**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**
**&**
**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929**

**WP(C).No. 10098 of 2007(B)**
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**PETITIONER:**
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**JOSE JOHNY,AGED 23 YEARS,S/O.JOHNY,**
**CHIRAYATH HOUSE,MARATHAKKARA,THRISSUR DISTRICT.**

**BY ADV. SRI.V.M.KRISHNAKUMAR**
**SMT.P.A.ANITHA**

**RESPONDENTS:**
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**1. BENNY,S/O.KOCHUMATHEW,MURINGATHERI HOUSE**
**CHENGALLUR P.O,THRISSUR DISTRICT.**

**2. DEVASSY,S/O.ANTHONY,PONNAN HOUSE,**
**CHENGALLUR,THRISSUR DISTRICT.**

**3. THE DISTRICT COLLECTOR,COLLECTORATE,**
**THRISSUR.**

**4. SECRETARY,PUDUKKAD GRAMAPANCHAYAT,**
**PUDUKKAD,THRISSUR.**

**5. SUB INSPECTOR OF POLICE,PUDUKKAD POLICE**
**STATION,THRISSUR.**

**6. CIRCLE INSPECTOR OF POLICE,PUDUKKAD,**
**THRISSUR DISTRICT.**

**ADDL.RESPONDENTS 7,8 AND 9:**

**7.KRISHNAN.T.A.,S/O.AYYAPPAN,**
**THAYYIL HOUSE, CHENNGALOOR, KUNDUKADAVU,**
**PUDUKKAD.**

**8.MONI.K.M.,S/O.MANI,KOTTUKULAM HOUSE,**
**CHENGALOOR, KUNDUKADAVU, PUDUKKAD.**

9.JOHNY.T.L.,S/O.LONAPPAN,THOTTAN HOUSE,
CHENGALOOR, KUNDUKADAVU, PUDAKKAD.

ADDL.RESPONDENTS 7 TO 9 ARE IMPLEADED AS PER ORDER IN I.A.5229 IN W.P.(C).10098/2007

BY ADV. SRI.P.VIJAYA BHANU FOR R4
SMT.K.S.CHANDRIKA
SRI.M.GEORGE THOMAS FOR ADDL.7 TO 9
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**W.P.(C).10098/2007**

## APPENDIX

**PETITIONER'S EXHIBITS:**

**EXT.P1: COPY OF THE PERMIT ISSUED BY THE GEOLOGIST DATED 7.3.2007.**

**EXT.P2: COPY OF THE PERMIT ISSUED BY THE GEOLOGIST DATED 28.2.2007.**

**EXT.P3: COPY OF THE CERTIFICATE OF THE VILLAGE OFFICER DATED 20.3.2007.**

**EXT.P3(A): COPY OF THE CERTIFICATE OF THE VILLAGE OFFICER DATED 20.3.2007.**

**EXT.P4: COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 20.3.2007.**

**EXT.P5: COPY OF THE MINING PERMIT ISSUED BY GEOLOGIST THRISSUR UNDER THE MINOR MINERAL CONCESSION RULES DATED 11.4.07.**

**RESPONDENT'S EXHIBITS:**

**EXT.R4(A): COPY OF THE REPRESENTATION ALONGWITH REPORTS CAME IN NEWS-PAPERS PREFERRED BY THE LOCAL PEOPLE BEFORE THE 3RD RESPONDENT DATED 19.3.2007.**

**EXT.R4(B): COPY OF THE REPRESENTATION DATED NIL, PREFERRED BY THE LOCAL PEOPLE BEFORE THE PRESIDENT OF PUDUKKAD PANCHAYATH.**

**EXT.R4(C): COPY OF THE RESOLUTION NO.12/07 DATED 13.3.2007 OF PUDUKKAD GRAMA PANCHAYATH.**

**/TRUE COPY/**

**J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.**

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**W.P.(C).NO.10098 OF 2007 ()**

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**Dated this the 12th day of April, 2007**

**J U D G M E N T**

**KOSHY,J.**

This is a petition for police protection. Petitioner obtained permit from the Geologist after getting certificate from the Village Officer. It is the case of the petitioner that the land in question is a garden and permission is given only to take clay upto 5 feet and clay can be taken only leaving the distance of 5 metres from the neighbouring properties. Various other directions were also given in the license. If there are any objection by any of the public, it is for them to get the permit cancelled or get prohibitory orders from the statutory authorities or civil court. But in the absence of any prohibitory orders passed by the civil court police is directed to grant protection, provided, clay is taken strictly as per the conditions

in the permit. With the above observations this writ petition is disposed of.

**J.B.KOSHY, JUDGE**

**T.R.RAMACHANDRAN NAIR, JUDGE**

prp

**J.B.KOSHY & K.P.BALACHANDRAN, JJ.**

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**O.P.NO. OF 2006 ()**

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**J U D G M E N T**

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**1th January, 2007**